

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SOLOMON WILLIAMS, et al.,

Plaintiffs,

v.

THE BOEING COMPANY, et al.,

Defendants.

No. C98-761P

ORDER DENYING
PLAINTIFFS' MOTION IN
LIMINE TO BAR BOEING
FROM CHALLENGING ITS
OWN PROMOTION
INDICATOR

This matter comes before the Court on Plaintiffs' motion in limine to bar Boeing from challenging its own promotion indicator. (Dkt. No. 928). The Court DENIES Plaintiffs' motion.

This motion concerns a "promotion indicator" that was used in Boeing data files. Plaintiffs argue that Boeing should not be permitted to present evidence or otherwise argue that the promotion indicator is unreliable. Plaintiffs maintain that in other litigation, including Beck v. Boeing Co., Boeing's experts have relied on the promotion indicator.

The Court finds that Boeing should not be precluded from presenting evidence or arguing that its promotion indicator is unreliable. However, Plaintiffs will be allowed during cross-examination to raise inconsistent positions that Boeing has taken toward the promotion indicator

1 in other litigation, without reference to the outcome of other cases. The parties should be ready
2 to argue the applicability of Fed. R. Evid. 801(2)(B)(C) or (D).

3 The clerk is directed to send copies of this order to all counsel of record.

4 Dated: December 2, 2005.

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6 s/Marsha J. Pechman
Marsha J. Pechman
7 United States District Judge
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